

Update 2008 TWS Recommended Actions for Addressing California Native American Tribal Water Issues

RECOMMENDATION	ACTION	CONTACT AND/OR ADDITIONAL INFORMATION
A. Content to be Developed for the California Water Plan		
A.1. DWR should include public domain allotment lands in planning	Allotees included in Ca Tribes. Need to be on contact list(s)	DWR has allotment data from Bureau of Indian Affairs. DWR does acknowledge existence of allotment lands.
A.2. DWR should work with Tribes to create maps that reflect Tribal lands, hydrologic regions, and recharge areas for potable water, while respecting culturally sensitive information	Winnemem-Shasta Tribal Homeland Ione Miwok/North Fork Mono Tribe maps New State map New South Central map	Update 2013 will include <u>Californians Without Safe Water</u> report with assistance from the DAC/EJ Caucus Some maps available. Recharge areas for potable water falls under the jurisdiction of Dept. of Public Health Regional DWR offices to be notified
A.3. DWR should include Tribal boundaries and information on Geographic Information System layers used in water planning	On-going.	Regional offices work on the maps as needed.
A.4. DWR should integrate Bulletin 118 on Groundwater with the Water Plan	Groundwater Caucus	Abdul Khan – akhan@water.ca.gov
A.5. DWR should establish long-term plans for managing groundwater	Groundwater Caucus	Abdul Khan – akhan@water.ca.gov
A.6. DWR should establish long-term plans for managing flood water and storm water	Flood Caucus and Water Quality Caucus Meadows not included; upper watershed	Flood issues contact Terri Wegener – twegener@water.ca.gov Storm water issues contact Jose Alarcon – jalarcon@water.ca.gov
A.7. DWR should emphasize	Sustainability	Abdul Khan – akhan@water.ca.gov

the importance of long-term sustainability for water resources	Indicators Need to include upper watershed	
A.8 DWR should develop a new California Water Plan chapter or a separate bulletin describing status of tribal water rights and water issues for each tribe similar to DWR Water District Bulletin. This document would include maps showing the tribal lands for each tribe, size of the tribe, nature of asserted water right, nature of proposed or actual use, etc.	Out of Water Plan scope Map needs to be Tribal Homeland not just trust land borders	Companion plans and governance for water rights discussion. Do not have a consensus among Tribes, could be discussed during the IRWM process This is Tribal water rights not California State/Federal water rights.
B. California Water Plan Tribal Communication Plan and Network		
B.1. DWR should lead interagency Tribal communication network	Needs funding.	Interagency planning process.
B.2. DWR should develop a resource guide for water issues and water-related emergencies	Out of Water Plan scope	Division of Flood Mgmt. holds annual meeting. Contact Bill Croyle – wcroyle@water.ca.gov Flood evacuations, contact Cal EMA
B.3. DWR together with California Native American Tribes should renew efforts to get gaming Tribes involved in water planning	DWR does invite gaming Tribes to participate in meetings/workshops, etc.	
C. Tribal Design for the California Water Plan Update 2013		
C.1. DWR should increase Tribal representation on the California Water Plan Advisory Committee or establish a dedicated Tribal	There is an existing Tribal Advisory Committee This should have been Tribal member	Contact Emily Alejandrino – ejalejand@water.ca.gov for information or check the Water Plan Tribal Advisory Committee and Tribal Engagement webpage

Government Advisory Committee for the Water Plan	representatives	
C.2. DWR and a Tribal advisory body should discuss the potential for a future Summit	In progress	Contact Emily Alejandrino – ealejand@water.ca.gov
D. Department of Water Resources (other than the Water Plan)		
D.1. DWR should prepare a work plan for Tribal issues	On-going	Tribal facilitator Stephanie Lucero at Lucero.stephanie@gmail.com
D.2. DWR should support the integration of Tribes in Integrated Regional Water Management Plan planning processes	TAC has accomplished There needs to be an allocation of funds for Tribal land/water endeavors	IRWM conference May 24-25, 2011 attended by tribal members. IRWM panel at 12/9/11 TAC meeting. Contact Charlie Kratzer – ckratzer@water.ca.gov
D.3. DWR should designate an executive coordinator of Tribal issues	Out of Scope No. Designate Tribal issue discussions at the AC (stipulate the issue to be addressed)	Can only be done at the Legislative level. Contact your Assembly Member and Senator at http://www.assembly.ca.gov/defaulttext.asp
D.4. DWR should support amending the IRWMP and/or related State bond guidelines and/or requirements to (1) allow Tribes to propose projects and receive funding directly as part of Integrated Regional Water Management Plans; (2) to emphasize the importance of partnerships	In progress with TAC Legislative Workgroup DWR could still address this issue to lead the way for legislative change	Legislative Workgroup Lead – Sam Cohen (TAC member)
D.5. DWR should increase support (technical help, training, funding, etc.) for groundwater assessment and planning efforts	Groundwater Caucus	Caucus Contact – Abdul Khan akhan@water.ca.gov DWR invites tribes to participate in the new groundwater monitoring program. Contact Mary Scruggs at mscruggs@water.ca.gov
D.6. DWR Division of Flood Management should provide		DWR does offer technical help and training, i.e. free Flood-Fight trainings. DWR is aware that funding to tribes for other support can be a challenge. For more information

support (technical help, training, funding, etc.) for Tribes to develop and strengthen their emergency preparedness plans as related to water resources (e.g., flooding, mudslide, and dam safety threats, potable water supply disruptions, fire-fighting water needs)		<p>contact Scott Woodland at woodland@water.ca.gov.</p> <p>Issues regarding Dam Safety http://www.water.ca.gov/damsafety/ Potable water issues are under the jurisdiction of the Department of Public Health and Department of Health Services. Drinking water systems that supply federally recognized tribal communities are regulated by the U.S. Environmental Protection Agency. Drinking water systems that supply other tribal communities are regulated by the Department from its field offices. A map showing the areas served by these field offices is available on our website at the following link:</p> <p>http://www.cdph.ca.gov/programs/Documents/DDWEM/OriginalDistrictMapCDPH.pdf</p>
D.7. DWR should work with Tribes to improve mapping of watershed resources – including Tribal lands and floodplains – while respecting culturally sensitive information	Water Dependent Cultural RMS DWR watershed is different from forest watersheds and Tribal homeland boundary watersheds	DWR does map watersheds but does not look at jurisdictions only topography. Water Dependent Cultural RMS may address sensitivity issues. Contact Judie Talbot Talbot.judie@gmail.com
D.8. DWR should create Director's Tribal Water Advisory Committee similar to those established for the California Departments of Transportation and of Corrections	Is there a conflict with TAC on this matter?	Topic that could be discussed at a future Tribal AC meeting.
D.9. DWR should provide support (technical help, training, funding, etc.) for Tribes to prepare their own water management plans	IRWM Tribal water rights needs to be acknowledged	<p>Could be under the rubric of IRWM</p> <p>Homeland maps is part of this process</p>
D.10. DWR should prioritize the restoration and protection of salmon and other migratory fish habitats, and thereby protect the quality of	Not DWR's role; however can be addressed through Ecosystem Restoration and Environmental	<p>Invite Department of Fish and Game staff to engage in a discussion with tribes a TAC meeting.</p> <p>Ecosystem Restoration RMS contact Michael Perrone mperrone@water.ca.gov</p>

life and rights of Tribes	Stewardship RMS	
D.11. DWR should devote greater resources to protecting water resources through watershed planning	Watershed RMS	Watershed RMS lead is Dept. of Conservation that manages such state programs. Contact Brian Leahy – brian.leahy@conservation.ca.gov
D.12. DWR should clean up toxic mining sediments associated with major dams	Not DWR's role. May be addressed in Sediment RMS	Contact Department of Conservation and the State Water Resources Control Board Sediment RMS lead (DWR facilitator) Lisa Beutler – lisa-beutler@comcast.net
D.13. DWR should work with Tribes to obtain federal funding for public water facilities	Out of Scope	Contact Department of Public Health or Bureau of Indian Affairs.
E. Other Agencies, the Governor's Office, and the State Legislature		
E.1. Federal Agencies and All State Agency Steering Committee Agencies should appoint specific senior individuals to represent Tribal interests and defend Tribal rights according to the trust responsibilities set out in United States treaties, doctrines, policies, the Constitution, Spanish land grants, and other relevant document		
E.2. U.S. Bureau of Indian Affairs should provide support (technical help, training, funding, etc.) to Tribes for water planning, water facilities, and associated advocacy		
E.3. All State Agency Steering Committee Agencies should support adding Tribes as potential grant and loan recipients through legislation (see also Other Agencies – State Legislature, and Tribal Governments)		
E.4. All State Agency Steering Committee Agencies should provide training and increase the financial capacity for Tribes to identify their water rights		
E.5. California Emergency Management Agency should provide support (technical help, training, funding, etc.) for Tribes to develop and strengthen their emergency preparedness plans as related to water resources (e.g., flooding, mudslide, and dam safety threats, potable water supply disruptions, fire-fighting water needs) (see also Dept. of Water resources)		
E.6. California Department of Conservation should devote greater resources to protecting water resources through watershed planning (see also Dept. of Water Resources)		
E.7. California Department of Conservation should clean up the toxic mining sediments associated with major dams (see also Dept. of Water Resources, and Other Agencies – Water Boards)		
E.8. California Department of Fish and Game should make the restoration and protection of salmon and other migratory fish habitats a priority, and thereby protect the quality of life and rights of Tribes (see also Dept. of Water Resources)		
E.9. California Department of Public Health should work with Tribes to obtain state and federal funding for public water facilities (see also Other Agencies – Dept. of Public Health)		
E.10. California Department of Transportation should increase both federally and non federally recognized Tribal involvement in the Department's Environmental Justice Plan		

E.11. Federal Emergency Management Agency should improve mapping of watershed resources – including Tribal lands and floodplains – while respecting culturally sensitive information
E.12. Local Governments should support the integration of Tribes in Integrated Regional Water Management Plan planning processes (see also Dept. of Water Resources, and Tribal Governments)
E.13. Water Boards should improve Tribal involvement in Water Boards processes for any decisions directly affecting Tribal resources, including developing water flow criteria and flow standards for rivers and streams in their areas
E.14. Water Boards should improve communication with Tribes and increase Tribal representation during the amendment of Water Quality Control Plans and regional Basin Plans
E.15. Water Boards should provide information and training opportunities for Tribes to learn how to use Water Right Information access tools such as the electronic Water Rights Information Management System, in order to help Tribes better track legal and illegal diversions and support enforcement
E.16. Water Boards – insofar as the Water Boards control these, should hasten the turnaround time for water quality testing results, and ensure that results are followed-up on
E.17. Water Boards should clean up the toxic mining sediments associated with major dams (<i>see also Dept. of Water Resources, and Other Agencies – Dept. of Conservation</i>)
E.18. Governor’s Office should reconcile State and Federal consultation policies
E.19. Governor’s Office should appoint Tribal representatives to Regional Water Boards and the State Water Resources Control Board (<i>see also Tribal Governments</i>)
E.20. Governor’s Office should elevate the status of existing State agency Tribal liaisons and convene quarterly meetings to discuss and prioritize key Tribal water-related issues for the Administration
E.21. Governor’s Office together with California Native American Tribes should establish a State Office of Native American Affairs (<i>see also Tribal Governments</i>)
E.22. Governor’s Office of Planning & Research should require County General Plans to have a water element that considers existing and future Tribal water rights and needs, and thus requires proposed development to anticipate and plan accordingly
E.23. Governor’s Office and State Legislature should appoint a Tribal member to California Water Commission and/or Delta Conservancy
E.24. State Legislature should add Tribes as potential grant and loan recipients through legislation (<i>see also Other Agencies – State Agency Steering Committee Agencies, and Tribal Governments</i>)
E.25. State Legislature should amend the IRWMP and/or related State bond requirements and/or guidelines (1) to allow Tribes to propose projects and receive funding directly as part of Integrated Regional Water Management Plans; and (2) to emphasize the importance of partnerships (<i>see also DWR-Centric</i>)
E26. State Legislature should amend the Water Boards’ 319H/State Revolving Fund eligibility requirements to allow for non-Federally recognized Tribes to apply for the non-point source pollution reduction grant money (suggestion was to reference SB 18)
E27. State Legislature should amend the Water Code to give priority to the senior water rights of Tribes
E28. State Legislature should regulate groundwater use throughout California

F. Tribal Governments
F.1. Governor's Office together with California Native American Tribes should establish a State Office of Native American Affairs (<i>see also Tribal Governments</i>)
F.2. California Native American Tribes should endorse the United Nations Declaration on the Rights of Indigenous Peoples, and then lobby and force the State and Federal government to do the same
F.3. California Native American Tribes should create watershed management plans to accurately document their needs, then work to integrate these with State plans
F.4. California Native American Tribes together with DWR should renew efforts to get gaming Tribes involved in water planning (<i>see also Tribal Communication Plan</i>)
F.5. California Native American Tribes should lobby the Governor's Office to appoint Tribal representatives to Regional Water Boards and the State Water Resources Control Board (<i>see also Other Agencies – Governor's Office</i>)
F.6. California Native American Tribes should lobby for the integration of Tribes in Integrated Regional Water Management Plan planning processes (<i>see also Dept. of Water Resources, and Other Agencies – Local Governments</i>)
F.7. California Native American Tribes should prepare their own water management plans (<i>see also Dept. of Water Resources</i>)
F.8. California Native American Tribes should lobby for adding Tribes as potential grant and loan recipients through legislation (<i>see also Other Agencies – State Agency Steering Committee Agencies, and Other Agencies - State Legislature</i>)
F.9. California Native American Tribes should continue to work with not just federal agencies, but also State agencies and local government
F.10. California Native American Tribes should seek alliances with environmental, sportsmen, conservancy, and economic groups that share common interests
G. Out of Water Plan Scope
G.1. The endorsement of the United Nations Declaration on the Rights of Indigenous Peoples
G.2. The establishment of a parallel Tribal Integrated Regional Water Management Plan process
G.3. Require power companies to consult with Tribes regarding the environmental impacts of their rural power-generation and power-transmission activities
G.4. The Los Angeles Department of Water and Power should mitigate the environmental impacts of diverting Owens Valley River water to Los Angeles